

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DIAMOND STATE SALVAGE	:	
COMPANY, INC.	:	Civil Action No.: 05-76-KAJ
ESTATE OF HERBERT SHERR,	:	
NANCY SHERR, AS EXECUTRIX	:	
FOR THE ESTATE OF HERBERT SHERR,	:	
BARBARA SHERR KLEGER,	:	
	:	
and	:	
	:	
DELMARVA POWER & LIGHT COMPANY,	:	
	:	
Defendants.	:	

**PLAINTIFF UNITED STATES OF AMERICA’S
MOTION TO ENTER CONSENT DECREE**

On April 1, 2005, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), lodged a proposed Consent Decree with this Court. This Consent Decree resolves claims of the United States against defendants Estate of Herbert Sherr, Nancy Sherr, as Executrix for the Estate of Herbert Sherr, Barbara Sherr Kleger, and Delmarva Power & Light Company (“Settling Defendants”), under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 et seq. The Consent Decree does not resolve claims against defendant Diamond State Salvage Company.

Pursuant to Department of Justice policy at 28 C.F.R. § 50.7, notice of the proposed Consent Decree was published in the Federal Register on April 14, 2005 (70 Fed. Reg. 19783), and the public was provided thirty (30) days in which to comment on the proposed Decree.

The time period for public comment has expired and the Department of Justice has not received any comments on the proposed Decree. Pursuant to Paragraph 43 of the proposed Consent Decree, the Settling Defendants have consented to entry of the Consent Decree. Therefore, the United States now respectfully moves this Court to sign and enter the proposed Consent Decree lodged with the Court on April 1, 2005.

Respectfully submitted,

KELLY A. JOHNSON
Acting Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20044-7611

By: /s/ Donna D. Duer
Donna D. Duer
Environmental Enforcement Section
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044-7611
202-514-3475

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney
Delaware Bar I.D. No. 2145
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
Patricia.Hannigan@usdoj.gov

OF COUNSEL:

PATRICIA MILLER
Senior Assistant Regional Counsel
EPA Region III
1650 Arch Street
Philadelphia, PA 19103

CERTIFICATE OF SERVICE

I, Patricia C. Hannigan, hereby certify that this 21 day of June, 2005, I electronically filed the foregoing **PLAINTIFF UNITED STATES OF AMERICA'S MOTION TO ENTER CONSENT DECREE** with the Clerk of the Court using CM/ECF. Notification of such filing will be served by First Class Mail on the following:

Glen Harris, Esquire

Ballard Spahr Andrews & Ingersol, LLP
Plaza 1000, Suite 500
Main Street
Voorhees, NJ 08043-4636

Secretary of State

Division of Corporations
401 Federal Street, Suite 4
Dover, DE 19901
Attn: Service of Process

Barbara Sher Kleger

226 West Rittenhouse Square #3010
Philadelphia, PA 19103

Certified Mail, Return Receipt

Notification of filing will be hand-delivered to the following:

PHI Service Company

c/o Legal Services Department
800 King Street
P.O. Box 231
Wilmington, DE 19899-0231

COLM F. CONNOLLY
United States Attorney

By: /s/Patricia C. Hannigan
Patricia C. Hannigan
Assistant United States Attorney
Delaware Bar I.D. No. 2145
The Nemours Building
1007 Orange Street, Suite 700
P. O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
Patricia.Hannigan@usdoj.gov